

## § 1221.1

## 7 CFR Ch. XI (1–1–14 Edition)

### Subpart A—Sorghum Promotion, Research, and Information Order

#### DEFINITIONS

##### § 1221.1 Act.

*Act* means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425), and any amendments thereto.

##### § 1221.2 Board.

*Board* or *Sorghum Promotion, Research, and Information Board* means the administrative body established pursuant to § 1221.100, or such other name as recommended by the Board and approved by the Secretary.

##### § 1221.3 Calendar year.

*Calendar year* means the 12-month period from January 1 through December 31.

##### § 1221.4 Certified organization.

*Certified organization* means any organization that has been certified by the Secretary pursuant to this part as eligible to submit nominations for membership on the Board.

##### § 1221.5 Conflict of interest.

*Conflict of interest* means a situation in which a representative or employee of the Board has a direct or indirect financial interest in a person or business that performs a service for, or enters into a contract with, the Board for anything of economic value.

##### § 1221.6 Crop year.

*Crop year* means the time period by which the USDA reports crop production for sorghum and is indicated by the calendar year in which sorghum is normally harvested.

##### § 1221.7 Customs.

*Customs* means the U.S. Customs and Border Protection of the U.S. Department of Homeland Security.

##### § 1221.8 Department.

*Department* means the United States Department of Agriculture or any officer or employee of the USDA to whom authority has heretofore been delegated, or to whom authority may here-

after be delegated, to act in the Secretary's stead.

##### § 1221.9 First handler.

*First handler* means the first person who buys or takes possession (excluding a common or contract carrier of sorghum owned by another) of more than 1,000 bushels of grain sorghum; or 5,000 tons of sorghum forage, sorghum hay, sorghum haylage, sorghum billets, or sorghum silage from producers in a calendar year for marketing. The term first handler includes a producer who markets sorghum of the producer's own production directly to consumers. In any case in which sorghum is pledged as collateral for a loan issued under any Commodity Credit Corporation price support loan program and the sorghum is forfeited by the producer in lieu of loan repayment, the Commodity Credit Corporation will be considered a first handler.

##### § 1221.10 Fiscal period.

*Fiscal period* means the 12-month period ending on December 31 or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.

##### § 1221.11 Handle.

*Handle* means to engage in the receiving or acquiring of sorghum and in the shipment (except as a common or contract carrier of sorghum owned by another) or sale of sorghum, or other activity causing sorghum to enter the current of commerce.

##### § 1221.12 Harvest.

*Harvest* means combining or threshing sorghum for grain and/or severing the stalks from the land with mechanized equipment.

##### § 1221.13 Importer.

*Importer* means any person importing more than 1,000 bushels of grain sorghum; or 5,000 tons of sorghum forage, sorghum hay, sorghum haylage, sorghum billets, or sorghum silage into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or purchases sorghum outside of the United States for sale in the United

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States, and who is listed as the importer of record for such sorghum.

### § 1221.14 Information.

*Information* means information and programs that are designed to develop new markets and marketing strategies; increase market efficiency; enhance the image of sorghum on a national or international basis; and assist producers in meeting their conservation objectives. These include, but are not exclusive to:

(a) Consumer information, which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of sorghum;

(b) Industry information, which means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the sorghum industry, and activities to enhance the image of the sorghum industry.

### § 1221.15 Market.

*Market* means to sell or otherwise dispose of sorghum into intrastate, interstate, or foreign commerce by buying, distributing, or otherwise placing sorghum into commerce.

### § 1221.16 Net market price.

*Net market price* means the sales price, or other value, per volumetric unit, received by a producer for sorghum after adjustments for any premium or discount.

### § 1221.17 Net market value.

*Net market value* means:

(a) Except as provided in paragraph (b) and (c) of this section, the value found by multiplying the net market price by the appropriate quantity of the volumetric units or the minimum value in a production contract received by a producer for sorghum after adjustments for any premium or discount.

(b) For imported sorghum, the total value paid by the importer for the sorghum as reported on the appropriate Customs form; or

(c) For sorghum pledged as collateral for a loan issued under any Commodity Credit Corporation price support loan

program, the principal amount of the loan.

### § 1221.18 Order.

*Order* means an order issued by the Secretary under section 514 of the Act that provides for a program of generic promotion, research, and information regarding agricultural commodities authorized under the Act.

### § 1221.19 Part and subpart.

*Part* means the Sorghum Promotion, Research, and Information Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order shall be a subpart of such part.

### § 1221.20 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

### § 1221.21 Producer.

*Producer* means any person who is engaged in the production and sale of sorghum in the United States and who owns, or shares the ownership and risk of loss of, the sorghum.

### § 1221.22 Production.

*Production*, as used in § 1221.100, means:

(a) for the purpose of establishing the initial Board in paragraphs (a), (b), (c), (d), and (e) of § 1221.100, the volume of grain sorghum produced during the last 5 crop years, excluding the high and low years, and

(b) For the purpose of reapportionment in paragraphs (e) and (f) of § 1221.100, the total assessments collected by the Board during the last 5 crop years, excluding the high and low years.

### § 1221.23 Promotion.

*Promotion* means any action taken to present a favorable image of sorghum to the public and the end-user industry for the purpose of improving the competitive position of sorghum and stimulating the sale of sorghum. This includes paid advertising and public relations.